

CITY COUNCIL MINUTES

April 13, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, April 13, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Adams: The Honorable Council of the City Of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) members present, zero (0) members absent; that represents a quorum, I hereby declare the session of the Common Council officially opened.

PLEDGE OF ALLEGIANCE

We'll have Ms. Brinkerhoff-Riley do the Pledge of Allegiance.

TEEN ADVISORY COMMITTEE:

We have one person here on the Teen Advisory Committee. Would you please stand up, please? I'd like to introduce Mr. Ben Walden, who is a junior at Central. He has a music interest; he loves the clarinet, and also the piano, and he's visiting IU tomorrow. It has a wonderful music school and I've recommended that he stop and go to the Glass Harmonic, which is one of the best music stores I've ever seen in there. So thank you for joining us.

Applause

COUNCIL ATTORNEY

Scott Danks is our attorney tonight.

SERGEANT AT ARMS

Lieutenant Kirby, once again, is back from his long vacation.

APPROVAL OF MINUTES

Do I have a motion to approve the minutes of the March 30, 2015 meeting of the Common Council?

Councilman Lindsey: So moved.

Councilman O'Daniel: Second.

President Adams: I have a motion and a second. All those in favor? Opposed? So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR APRIL 10th PACKET:

- * Ordinances C-2015-4, C-2015-5, C-2015-6 Docket, C-2015-7, G-2015-10, G-2015-11, G-2015-12, R-2015-7 Amended, and R-2015-10
- * Evansville Redevelopment Commission Meeting Minutes for March 17, 2015

EMAILED MATERIAL:

- * Committee Meeting Schedule and Agenda for April 13, 2015
- * City Council Meeting Minutes for March 30, 2015
- * Application and résumé from an applicant applying for Evansville Urban Enterprise Association Board

ON YOUR DESK THIS EVENING:

- * Extended Agenda
- * Ordinances R-2015-11 and R-2015-12
- * Youth Sports Grants and Youth Leadership Grants Committee Recommendations

President Adams: I think we will not act on the application for the Enterprise Association Board to allow everybody to read that résumé and become more familiar with it.

Is there a motion to receive, file and make these reports and communications a part of the minutes of the meeting?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: Thank you. With a motion and a second, all those in favor? Opposed? So moved.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-10

PUBLIC WORKS

LINDSEY

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as a Portion of Water Road between Lot Eighteen (18) and Lot Twelve (12) in Embree's Subdivision

ADAMS

BRINKERHOFF-RILEY

O'DANIEL

COUNCIL AS AWHOLE

ADAMS, FRIEND, O'DANIEL, ROBINSON

C-2 & C-4 to C-3

R-1, R-2, C-1 & C-4 to C-4 w/ UDC

M-2 to M-1

R-2 to C-4

C-4 & R-4 to R-1

3

President Adams: I'd like to call the attention of the Council to Ordinance G-2015-11 that deals with fencing and retaining walls in the middle of drainage easements. What's been going on, people have been putting, at random, fences and so forth across and there's a lot of water coming down during a heavy rain. These block up. This chicken wire, or whatever it is, blocks up and causes a lot of flooding so they're trying to control that so one should be aware of that.

Is there a motion to accept the amendment of Ordinance R-2015-7 Amended?

Councilwoman Mosby: So moved.

Councilman Lindsey: Second.

President Adams: There's a motion and a second. All those in favor? Opposed? So moved.

Is there a motion to adopt the Consent Agenda as written?

Councilwoman Mosby: So moved.

President Adams: Any second?

Councilman O'Daniel: Second.

President Adams: I have a motion and a second. All those in favor? Opposed? So moved.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2015-1

APC

R-1 to C-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 4105 N. Green River Road

Petitioner: Oak Hill Investments, LLC

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 12 affirmative votes.

President Adams: Okay, yeah. We have a packet that goes with this?

Shawn Sullivan: We do? Good evening everyone. I'm here tonight on behalf of the petitioner, Oak Hill Investments, LLC.

As was recited at the beginning, this is a request to rezone the property to a C-2 zoning use. We're gone to...hope to put an apartment complex on this particular site. You'll recall, this is essentially the identical rezoning request that we had come before you back in February of this year and you recall that at that particular point in time I had

indicated to you that I would have to come back before you because as part of this development we were going to have to rezone another piece of property to the immediate north.

The materials that you have in front of you, at Tab 1, you can see the property that we're rezoning and if you go to Tab 3, which has kind of a conceptual site plan of what we're intending to do...as I told you back then we had done our due diligence on this particular property. We determined that we really needed this area to the north of this retention pond in order to make this development work.

As I had indicated to you back in February, the real challenge to this particular property and its development is the access. Extending N. Cullen through our particular piece of property...and it affects where we can put buildings on this particular site and what we determined through the course of our due diligence is we really couldn't move forward with this until we actually acquired a contractual interest in the property to the north and came a got it rezoned.

And so I do want to repeat what I had told you back in February. I'll be more than happy to answer any other questions that you may have about this but this is the identical rezoning request that we had asked you to approve back in February.

President Adams: So you're just adding a little sliver of land to the northeast of the existing, already approved rezoned area.

Shawn Sullivan: That is correct. *(Inaudible)*

Speaking Simultaneously

President Adams: *(Inaudible)*...wrapped up that one...any questions from Council? Any comments from the crowd tonight?

Okay, is there a motion to adopt the Second...Consent Agenda Second Reading...I apologize, excuse me. Is there a motion to adopt Ordinance R-2015-1.

Councilman O'Daniel: So moved.

Councilman McGinn: Second.

President Adams: Second. Roll call please.

City Clerk Windhorst: That was actually Second Reading.

President Adams: You're right. All those in favor? All those opposed? So vote.

Shawn Sullivan: Thank you so much.

President Adams: Let's move it along. Thank you. Now we're up to the Third.

City Clerk Windhorst: Now we can vote.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-1

APC

R-1 to C-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 4105 N. Green River Road

Petitioner: Oak Hill Investments, LLC

President Adams: Is there a motion to adopt Ordinance R-2015-1?

Councilman O'Daniel: So moved.

Councilman McGinn: Second.

President Adams: So we have a motion and a second. The roll call please.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There are nine (9) ayes, zero (0) nays, Ordinance R-2015-1 hereby adopted.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-9

PUBLIC WORKS

LINDSEY

An Ordinance Amending Chapter 13.15 (Water) of the Evansville Municipal Code

President Adams: There is no Committee from Finance, right?

Councilman O'Daniel: Correct.

President Adams: Okay.

PUBLIC WORKS COMMITTEE:

CHAIRMAN LINDSEY

Chairman Lindsey: Mister President, your Public Works Committee met this evening to hear ***Ordinance G-2015-9***, amending Chapter 13.15 (Water) of the Evansville Municipal Code, and that came through with a do-pass.

President Adams: Is there a motion to adopt the Committee Reports on the Ordinance for a Third Reading?

Councilman O'Daniel: So moved.

Councilwoman Brinkerhoff-Riley: Second.

President Adams: There was a motion and a second. All those in favor? Opposed? So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-9

PUBLIC WORKS

LINDSEY

An Ordinance Amending Chapter 13.15 (Water) of the Evansville Municipal Code

President Adams: Is there a motion to adopt the Ordinance G-2015-9?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: Thank you. A motion and a second; all those in favor?

Councilman O'Daniel: *(Off Mic)* That's a roll call.

President Adams: And then we'll have a roll call on top of that.

Laughter

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance G-2015-9 is hereby adopted.

RESOLUTION DOCKET

RESOLUTION C-2015-6 DOCKET

COUNCIL AS AWHOLE

A Resolution Urging the Indiana General Assembly to Repeal Senate Enrolled Act 101, Also Known as the "Religious Freedom Restoration Act"

President Adams: Would someone like to read this Resolution?

Council Attorney Danks: *(Off Mic)* I'll read it if somebody passes it to me.

President Adams: Mr. Breaker, you wanted to make a comment about this?

Jim Breaker: *(Off Mic)* Yes.

President Adams: I thought it'd be more fitting for you to do it now since we're going to be talking about it.

Jim Breaker: *(Off Mic)* No problem.

President Adams: We'll give you...if you could have three minutes or so, can you cover it in that?

Jim Breaker: Good evening Councilmembers. My name is Jim Breaker. I live at 1700 E. Blackford here in Evansville.

As you can see, I placed a copy of the Religious Freedom Restoration bill on your desks here and did anyone...also a copy of the statement by a law professor who read this bill and critiqued it very well. Has anyone of you read the bill?

President Adams: I tried.

Jim Breaker: Okay, well if you'll notice that there's nothing in there that discriminates any particular group. Those were all citizens of the State of Indiana and it doesn't say anything against any citizen but we all, you know, we all should be treated the same.

The law professor states he's in support of gay rights including homosexual, excuse me, same-sex marriage, but he is also an informed legal scholar. He also supports the proposed Indiana Religious Freedom Restoration Act because it's not about discrimination against any particular group; it's about government overreach and that's what we all should be concerned about is government overreach. We need to stop that.

There's no need to a resolution because we already know that we as citizens should all be treated the same and it's a shame that our media should be ashamed for distorting the truth because the truth will come out. The truth is coming out.

Finally, I want to say again, reiterate, that we are all special and not just certain groups or individuals and that's all I have to say. Did anybody have any questions or...but like I say, if you read the bill, if anyone reads the bill here, you will not be able to find anything discriminating against (*Inaudible*).

Speaking Simultaneously

Councilman O'Daniel: I've read the bill too...

Jim Breaker: Pardon.

Councilman O'Daniel:...and it does give businesses the same right as individuals...

Jim Breaker: Correct.

Councilman O'Daniel:...and it also provides affirmative defenses to acts of potential discrimination, which was not in the bill that was proposed in 1993 by the U.S. Congress,

and that's where, ultimately, I have a real profound disagreement. I understand it doesn't say anything about discrimination or anything of that nature...

Jim Breaker: Correct.

Councilman O'Daniel:...but until sexual orientation, LGBT, issues are a protected class, they will continue to be discriminated against and that's a fact and not just an opinion.

Jim Breaker: No that's...sir, you're incorrect here Mr. O'Daniel but you know...

Councilman O'Daniel: We can agree to disagree on that.

Jim Breaker: Well, we have to agree to disagree but it's like, you know, if I own a business, if I'm a gay person and I own a flower shop and you come in as a heterosexual and you say, "I want you to provide those flowers for me", and I say, "Well, I can't do that because my beliefs will not allow me to", you have a right to do that as well as a person who owns a bakery that has a right to say, "I'm not going to back your cake because it's against my religious views". It's just like, you know, some person taped himself up with bombs, they have a right to do it but we sure don't go along with it, do we? We sure don't approve of it. Am I right?

Thank you. Thank you for your time.

President Adams: Any more comment from Council? Any more comments from our audience today?

Council Attorney Danks: Wally.

President Adams: Yeah, I see him. Are you going to read the...are you going to read the...thank you.

Councilwoman Brinkerhoff-Riley: Are we going...are you going to let us comment after it's read or do we need to dive in before.

President Adams: I'll let you comment anytime you want.

Councilwoman Brinkerhoff-Riley: Okay.

Tri-State Alliance President Paynter: Do I give this to you?

President Adams: You don't have to do that.

Tri-State Alliance President Paynter: Okay.

President Adams: You're up here.

Tri-State Alliance President Paynter: Wally Paynter. I'm the president of the Tri-State Alliance. I appreciate your considering this motion of...as...I'm a deacon at my church in downtown Evansville and I've missed what bible verse says who I can bake a cake for and who I can't but beyond that of...I think it's important to realize that discrimination can happen until sexual orientation and gender identity are included in Indiana's civil rights laws. Until sexual orientation and gender identity are included into federal law, discrimination is allowed, you know, and it's not right. People should be treated as individuals not based on an assumption of who you are. You know this bill, this law, has done horrible damage to Indiana's reputation and our economic viability, you know, and it serves no purpose.

You know, as a Christian there's nothing that I couldn't do before the law that I can do after the law. It didn't help me practice my religion. You know it can help, you know, if we repeal the law it can help restore our image, you know, but that's not all we need. As you know, we need to add sexual orientation and gender identity to the state and federal laws and I think when we add that to the state law that is what will restore our image as not being in the 1950s but the 21st century.

Thank you for your consideration.

President Adams: Thank you sir. Any questions? Alright, would you read?

Council Attorney Danks: *(Off Mic) (Inaudible)*

President Adams: Sure.

Councilwoman Brinkerhoff-Riley: Yeah, I'll just make a brief comment. I really appreciate everyone that has a...had something to say. I think for me what Indiana lacks...you know there are I think approximately 20 other states that have religious freedom statutes but the majority of those also protect sexual orientation and sexual identity by state statute and I don't think it should be a surprise that this body would protest the ability to discriminate because we passed our own anti-discrimination act here in 2011 where sexual orientation and sexual identity were added to the City's ordinance but because we lack sexual orientation and sexual identity as protected classes state-wide our ordinance has no teeth. The most that our Human Relations Commission can do is accept complaints and then try to facilitate a voluntary process and so the issue in and of itself of a religious restoration act isn't so much my concern as the overall lack, state-wide, of the counterbalance that would prohibit that statute

from being used as a basis of discrimination. Without the balance of protected classes, then the religious restoration act could have been used as a foundation. And we...it's very important that we push.

And by the way, State Representative Ed Delany has filed two amendments to two different bills that are still pending in the State Legislature that would make sexual orientation and sexual identity protected classes in the State of Indiana because we have inconsistency here. Our governors, for some years, have signed executive orders on an annual basis that protect public employees. Public employees in the State of Indiana are protected as to sexual orientation and sexual identity but private employees are not and I really think it's important that we all push for that consistent protection throughout the state and then bills like the Religious Freedom Restoration Act don't have the potential to create discrimination because it's got that counterbalance in another statute. That's all.

President Adams: Any other comments from Council? Okay, would you read the ordinance? I mean the resolution?

Council Attorney Danks: Certainly.

Resolution C-2015-6 Docket

**A RESOLUTION URGING THE INDIANA GENERAL ASSEMBLY TO REPEAL
SENATE ENROLLED ACT 101, ALSO KNOWN AS THE
"RELIGIOUS FREEDOM RESTORATION ACT"**

WHEREAS, the City of Evansville, Indiana is committed to protect the rights of all citizens, regardless of sexual orientation, race, gender identification, ethnicity, religion, or creed; and

WHEREAS, Senate Enrolled Act 101, also known as the "Religious Freedom Restoration Act" (RFRA), could allow businesses to discriminate; and

WHEREAS, local and national businesses, organizations, and faith groups, large and small, and Evansville residents oppose RFRA as it makes Indiana less welcoming and less competitive in recruiting and retaining talented employees; and

WHEREAS, major conventions and major employers may leave Evansville, creating a substantial negative impact to the City of Evansville and State of Indiana.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of Evansville, Indiana:

SECTION 1. The City of Evansville, Indiana is opposed to the recent passage of RFRA as it is not a true representation of our City as a welcoming and inclusive place, and is bad for local businesses, will reduce tourism revenue, and makes companies less competitive in recruiting and retaining top talent.

SECTION 2. The Common Council of the city of Evansville, Indiana encourages the Indiana State Legislature to repeal Senate Enrolled Act 101, also known as the "Religious Freedom Restoration Act" (RFRA).

SECTION 3. The Common Council of the City of Evansville, Indiana directs the Clerk to send a copy of this resolution to the Governor of Indiana, Speaker of the House, President Pro Tempore of the Senate, Assembly Members representing Southern Indiana, and other legislative leaders as deemed appropriate.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

President Adams: Is there a motion to adopt Resolution C-2015-6?

Councilwoman Mosby: So moved.

Councilman O'Daniel: I'll second it.

President Adams: We have a motion and a second. Roll call please.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Resolution C-2015-6 is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will not be a meeting on Monday, April 20, 2015. The next meeting of the Common Council will be Monday, April 27, 2015 at 5:30 p.m. Committee meetings will begin at 5:00 p.m.

We will have comment from the crowd on Miscellaneous after this next bit of business.

We had the Youth Leadership Grants meet today. We all have what we decided in terms what we're going to give to the various, wonderful people that are working. Also the Sports Grants was there last week therefore, do I have a motion to approve the Youth Leadership Grants for 2015?

Councilman O'Daniel: And, if I may...

President Adams: Please.

Councilman O'Daniel: There were four of us in attendance and I know Ms. Brinkerhoff-Riley was at another meeting, the Greenway Committee meeting, and could not join us but we heard from 14 wonderful organizations asking for various monies and you can see there's some differences in the 2014 and 2015 awards. Some of that was based upon the number of participants going on to national committees and law, or national conferences and the like, so it was based on a per person rather than global ask. But that would be the reason for any of those changes on there but I think we all felt that that was a fair amount.

And then there was one that was omitted and that was because they had no sign-ups for this year and the rules state that they have to use it in this calendar year and not for future purposes so that's the reason for the way that budget panned out.

APPROVAL OF YOUTH GRANTS

YOUTH LEADERSHIP GRANTS: Chairman O'Daniel

President Adams: Okay, all those in favor? Opposed? So moved.

YOUTH SPORTS GRANTS: Chairman Lindsey

President Adams: The Youth Sports Grants; Chairman Lindsey. Do I have a motion to approve the Youth Sports Grants for 2015?

Councilman Lindsey: So moved.

President Adams: Second?

Councilwoman Mosby: Second.

President Adams: I have a motion and a second. All those in favor? Opposed. So ordered.

We have one individual that wants to speak. Where's that...? Yeah, here it is; Angie Bullock? Ms. Bullock, you got three minutes.

Angie Bullock: *(Off Mic)* Okay.

President Adams: We'll have as long a time trying to help you with your problem after the three minutes but...

Angie Bullock: Okay. My name is Angie Bullock, 7500 Bayard Park Dr. I live on the eastside. I have a property at 1115 N. Third Avenue.

The issue that has arisen is the fact that Evansville Fire Department does not notify property owners if their property has been damaged or destroyed by fire. According to research, Evansville is the only fire department that does not notify. I've had said several different excuses from them, that they're not capable of doing it, however I have worked in public service the majority of my life and was involved in setting up Central Dispatch in Warrick County and I know how Vanderburgh County Central Dispatch system works. There's a dispatcher that sets there that is assigned to research and computer IDACS, NCI, BMV records. Access is so easy. I'm also a real estate broker. Access is available from the Assessor's website, Evansville GIS map; it is so simple to even get a house number and property owner's name and address from a vacant lot. However, they do not notify and the problem that arose from that is my fire was...they can't even pin down an exact time of when they dispatched. I've gotten three different times but it was sometime Saturday, early morning, on the 4th.

I did not...I was not notified. I had two days of looters that stole my property before a friend happened to text me that my property had burned. So because of their lack of notification, I actually have suffered more of a loss than I did from the fire.

According to Indiana Code, IC 36-18-17.7, it requires a fire department to investigate. Part of an essential investigation is to speak to those involved and to speak to any witnesses. Evansville Fire and Evansville Police Department were not aware that my property was burglarized prior to the fire and I lost a lot of items from that. So, you know, it's just a lack of responsibility on their part and gross negligence as nonfeasance for not performing a duty to protect and to serve our citizens and our property.

Since the story aired on WFIE I've had people reach out to me on my facebook page that they have had the same instances. One gentleman was a...is a real estate investor, owns a rental property, it was occupied, he had a fire and he did not receive notice until he got his code violation letter two weeks later from the Building Commission. By the time he went to his property, and his insurance adjuster, it had been stripped of all the HVAC, all the copper, which caused that property then, that was repairable, to be a total loss.

President Adams: Any comments, please?

Councilwoman Mosby: I do apologize for what happened to you. I know you've lost a lot of valuable...but one thing that you had said to me when we've been kind of facebooking back and forth was that you are actually buying this property on contract...

Angie Bullock: Correct.

Councilwoman Mosby:...so I did look up on the Assessor's office and that and it's not showing you as the actual owner so how would they have known to have contacted you?

Angie Bullock: Well, they didn't...they did not notify Janet McCormick. I'm buying it on a contract. I almost have it paid off so I have an equitable interest in ownership in that property and I have made a lot of improvements to the property and pulled the appropriate permits for such work.

President Adams: So the property owner, who is holding your contract, was not identified either.

Angie Bullock: No, not until I contacted her. And actually Fire Inspector Mayer spoke to my neighbor, Leah Logel, that morning and the inspector was giving, or investigator, was giving...given my cell phone number as well as Janet McCormick's cell phone number and they still failed to call.

Councilwoman Mosby: And neither one of you were contacted then?

Angie Bullock: No, nobody was contacted. Janet did not know until I contacted her and, you know, the fire...Fire Chief Connelly called me this morning because he was concerned about me stating that, you know, I wasn't contacted on facebook and, you know, we had the discussion that this would never have happened in Warrick County. I wrote the policy in Warrick County dispatch so it does not happen. And we started doing that back in 1984 prior to any assessor's property database or the GIS-type maps. I mean we got out there and knocked on doors and property owners knew so, you know, this is a huge issue that they need to know about.

President Adams: Your desire would be, obviously, for us to alter the ordinances to be sure that you...the owner would be identified...

Angie Bullock: Yes.

President Adams:...as soon as possible.

Angie Bullock: Yes. My biggest concern, I mean, my loss is my loss at this point.

President Adams: A fire loss is a done deal.

Angie Bullock: But the thing of it is I do not want to see anybody else have to go through this and discover, you know, if they get back from vacation that their house is burned down you know, or their investment property is now totaled because they've had looters. You know I've had an issue with State Farm Insurance. They can't even work on the claim because the Fire Department has not closed out the investigation so I don't have a report. I've already been cited code violations for the fire damage. They had no problem finding the address for that and that went out on Monday, two days after the fire so you know...

President Adams: Okay.

Angie Bullock: It seems like it's convenient for 'em to find the address and owners' contact information when it comes to issuing fines and citations, however, had I been notified, you know, I could have saved some of...I had all of my family heirlooms stored in this because I'm remodeling my house on the eastside so I had boxed up and moved everything there out of the way so they tried to lessen the issue that it was only one...I was notified one day later. I was never notified by Evansville Fire and it was one calendar day, however, it was all daylight hours of Saturday, Saturday night, and most of Sunday so it was two days of daylight hours of looters and the neighbors, you know, tried to run off people but they were packing out the pink Depression glass out of my property.

Council Attorney Danks: *(Inaudible)* I don't have a comment but I know what's going to happen. Immediately after this meeting I'm going to have Councilmembers contact and ask me to draft an ordinance or amend the existing ordinance and I would...if we could maybe put this on the agenda for the next meeting. The chief could be here and maybe has a reason why the notification's not taken place. I'm not certain why he wasn't...

President Adams: Sure.

Council Attorney Danks:...why he's not here tonight if she spoke to *(Inaudible)*.

Councilman O'Daniel: Or even what the policy is, if there is one.

Council Attorney Danks: Yeah...yeah...

Councilwoman Brinkerhoff-Riley: *(Off Mic) (Inaudible)*

Councilman O'Daniel: Yeah, I think that's probably a better move.

President Adams: Well seriously, thank you for bringing this...you situation...you really had a horrible situation and we'll study it and do the best we can.

Angie Bullock: Alright, thank you.

Council Attorney Danks: And I think this might be back on the agenda. When's the next Council meeting?

Multiple Speakers: *(Off Mic)* The 27th.

Council Attorney Danks: 27th if you want to return.

Angie Bullock: Okay, alright. Thank you.

President Adams: Thank you ma'am.

Any more comments from Council? Any more comments from the crowd tonight?

Councilman Friend: Dr. Adams, one of the thing I think...I think Russ had sent us out a I think an email earlier today and in that email, as you probably well know, we've had a transfer of 2.5 million dollars that...that...of revenues that should have gone in 2015 but it got advanced into 2014 and it was done through the transfers over at the Sewer...I think over the Water...not the Water Department, the Sewer Department, yeah, and I like to maybe ask Russ couple questions about this if he can clar...do some clarification...appreciate it.

City Controller Lloyd: Yeah, Russ Lloyd, City Controller.

Councilman Friend: Well thanks for coming out here Russ. I want...when I was going through the analysis of the...when you gave us the yellow book, the year-end financial statements, I noticed that the Administration did indeed cut the expenses by nearly five million dollars over the previous. We had 84 million and they spent 79 million but in that what I noticed about it is that they missed the revenue by 15 million. When you go up to the front page of the yellow page so, I mean, that shocked me but what I really looked at it, it looked like to be closer to about a six million dollar shortfall but then when I...then I started looking closer and I got it when I was analysing the changes in balances in the Utility Department. It get...boiled down to it that...there was about three...about 2.5 million that came flying in there so instead of having six million looks like the net/net difference, we got closer to 8.5.

Now, what I need to know is I got your memo and I was president back then when this was going on by the way, and I know I had my Finance Chair at the time. I don't know,

maybe we knew something about it but this is the first time I ever knew about it when that came about. Thought you might be able to clarify some of this for us.

City Controller Lloyd: Okay. Well, and it's basically what we said in that memo that we had had some conversations with the Utility, November and December, and actually also with Umbaugh, our consultant, and they...we had talked about different options regarding our cash flow at the yearend and for next year and one of the options brought up was the request...some or all of the Sewer Utility PILOT and pay that in 2014.

Councilman Friend: That would have been...that would have been basically property taxes. Lot of people don't know what PILOT is but that...there's an agreement that entered in with the City and the Utility for the infrastructure to pay a certain amount of money in lieu of property taxes.

City Controller Lloyd: Right, it's actually, and these guys could probably talk to it better...

Councilman Friend: Yeah.

City Controller Lloyd: Based on...it's calculated like a property tax. The Utility, since it's owned by the City, doesn't pay any property tax; it's tax exempt. So the PILOT is a **Payment In Lieu Of Taxes**, where they make payments to the City.

Councilman Friend: And let me ask you Russ, if you had not transferred that 2.5 million dollars, what would have been the balance in our General Fund?

City Controller Lloyd: Well I don't know the answer other than our plan was to have a positive balance.

Councilman Friend: Well I went back and looked at it. It'd have been - 2.2 million dollars, that's what it would have been because we...we only got \$300,000 sitting in that fund...

City Controller Lloyd: Right.

Councilman Friend:...at the beginning of the year so we would have been upside-down by 2.2 million, wouldn't we.

City Controller Lloyd: Well, we would have deferred other expenses.

Councilman Friend: Well I...I was going to get to...I'm going to get to that in just a minute.

How can we defer more than three million dollars in provider payments? I mean I found this out because I was going to be turned over to collections from my dentist. He hadn't been paid for four months. That's why I kind of picked up on this and then when you made a last...in the last meeting we had there, you indicated we had three million dollars of healthcare providers that we hadn't paid. Now if had done that we'd been like five million dollars upside-down, wouldn't we?

City Controller Lloyd: We, yeah, we rolled over some health bills and paid 'em in January.

Councilman Friend: Well yeah. Well I noticed that because when I noticed that we increased our deficiencies in the January statement over the prior year by 2.7 million dollars; that's a 31% increase in decline...in additional deficiencies in the General Fund within one year so it looks like, it definitely looked like, we had put off...either the Administration went out and spent 2.7 over the prior 12...January of '14 or we had an extreme amount of payables that came up.

One of my concerns is, and I think the rest of us here in the Council, is it looks like we're upside-down by five million dollars the day the gun went off at the beginning of the year. I don't know. I (*Inaudible*) you got any comments to that.

Councilman O'Daniel: And one other thing on this John is when you look at February, right now...

Councilman Friend: Yeah.

Councilman O'Daniel:...the book we just got, the General Fund shows, what, negative 12.8 million?

Councilman Friend: Yeah, 12.8 million dollars.

Council Attorney Danks: 12...12 and change anyway negative in the General Fund.

City Controller Lloyd: Right.

Council Attorney Danks: From a balance standpoint; it's not the cash in there total but that fund is balanced upside-down (*Inaudible*).

Councilman Friend: I mean...that's what pays our police and fire and runs the day to day operations of the City. But anyway, I guess that's my concern. I think a lot of us on this Council is that we now would be on a per capita basis a negative \$42.00 per person

if we would have...if you would have got those bills paid like we normally would have been and the Utility Department hadn't transferred that double dump in that same year.

Councilman O'Daniel: Well and John, one other thing is our 2015 budget included that 2.4 million dollars of PILOT...

Councilman Friend: Yes.

Councilman O'Daniel:...that we no longer have so the budget of some 85 million presupposed that we were going to have revenues...I think the number that was previously thrown out there was 82 or 83 million dollars. Now that's going to be closer to 80 million which, obviously, if we don't have a spending plan which I'm hoping to have one soon. I hope the Administration is in the process of doing that so that we cannot go through a budget cycle guessing what those numbers are going to be. We're having a situation where we are going to be five, six, seven million dollars upside-down, not only this year but next year as well.

Councilman Friend: Well you know, Connor I mean I sent to everybody on this Council the analysis of the operational changes within 2014. I didn't even have this in there and I was up at 7.5 million short then but if you add this on to it, it runs it up to 12.8 million dollars in the deficiencies for 2014 and now we're going to carry that over into '15. That's my great concern, and I think everybody's great concern to have that.

Councilman McGinn: Can I ask you a question though? I mean how do we anticipate things that happen in the future? I mean I know I can...five million dollars of money we did not have to spend came from things we had no idea were going to happen when we prepared and discussed the 2014 budget. We didn't know Old National was going to get a million knocked off their taxes and we didn't know that our healthcare...what'd you tell me they were Russ, 22.34 million when we budgeted 18.5. Now how do we foresee that we're going to have five million dollars more expenses when nobody knows it's *(Inaudible)*

Speaking Simultaneously

Councilman Friend: But, if I may, let me add this...

Councilman O'Daniel: Wait a minute, isn't that why when we do the budget that it's on the very top end. Now obviously there are catastrophic things in the healthcare arena that obviously, we try to make it up in the...this year or next year. I suspect the budget for our hospitalization will go up considerably. Next year will try to catch that up.

City Controller Lloyd: Well, we're going to try and do something about that because that's one of problems of the budget.

Councilman O'Daniel: But...but ultimately we try to budget on the top end so we don't have to go negative on any of those line items.

Councilman Friend: Well I get that, Councilman McGinn, but that's the reason why you always only spend 80%. You always have to keep reserves back. I mean this is why that so many people wind themselves up in bankruptcy court because they spend everything they make and all of a sudden the furnace goes out or they find themselves in the hospital and then they don't have the money and they're broke so this is the reason why we have to...we have to a little bit better job here.

What I need...what I need to know...

Councilman McGinn: May I respond to that?

Councilman Friend: Yeah sure.

Councilman McGinn: Please, if I may. I mean part of that's on us Councilman Friend. I mean first of all I've been...

Councilman Friend: *(Inaudible)*.

Councilman McGinn: I've sat here on this Council for six years, five of them or four of them you've been Finance Chair.

Councilman Friend: Absolutely.

Councilman McGinn: I've never in my life heard you say that we should keep 20% cash reserves until this exact moment.

Councilman Friend: Well, the way to work that...

Councilman McGinn: I mean we...we budget what we think we're going go in and we spend it and now...I have never, and again, I don't want to be argumentative, I've just...I've just never in my life heard that we should save 20%. That...

Councilman Friend: I was referring, basically, to our Riverboat money. The Riverboat money is what we've really saved our money off of. We've been spending, basically, every dime of it. Now under the Weinzapfel Administration, we did not spend it all. I'm telling you that. I was here four years at that point in time. That didn't happen. And I'm just telling you that now. You go back and really look at 'em.

Councilman McGinn: I can look at 'em but if we want...I was also a department head at that time and I know that we were instructed to cut back on capital budgets because...and again, it's a wonderful plan. We were saving as much of the Riverboat because we knew we had to buy downtown land, we had to buy right of way, we were building a hundred and some odd...forty and some odd-million dollar arena and that's what it was. I mean, you know, I'm not criticising what Mayor Weinzapfel did. He foresaw that we were going to spend huge amounts of money to buy large chunks of downtown to build an arena and a hotel and that's what we did and that's why we had the money so, I mean, maybe it's because of my experience sitting in the cabinet meetings and knowing about these plans before they happened that I am not all surprised that we have spent down our cash reserves but look what we now own that we didn't not have.

City Controller Lloyd: Well, the Riverboat...

Councilman McGinn: We had a bunch of cash, now we've got a whole bunch of real estate and we've got buildings and we've got contracts for hotels.

Speaking Simultaneously

Councilman O'Daniel: But using that same logic...using that same logic we have the med school project and the hotel project, which are big capital expenditures, but we've not had the discipline, necessarily, to save the money like we did with the Ford Center.

Now I mean, you know, this is eight years apart but the same discipline needs to occur.

Councilman McGinn: But again, part of that discipline is us and I'll say this. I mean I liked what you were saying, Councilman O'Daniel, at the Budget Hearings that, you know, we've spent some money and we all know what we've spent on these various projects and a two or three or four year gradual cut of the budget to reach a balanced budget. I'm...I mean that's fine. That's very reasonable and rather than, you know, all a sudden take whatever cash we have and even it up in one year. I commend you for that.

But again, in the six years, I have voted for every single budget that has been proposed by the Finance Chair and the president of this Council, with the exception of one vote this year when there was kind of a last minute, "let's cut money from public safety", which I did not go for and I know that cannot dispute the fact that I have always been ready, willing, and able to reduce the budget even more. We've had these conversations and I've been told, "Gee, it's not necessary. We don't have to. We're working on it." Now all of a sudden, Councilman Friend, we're in this...you know the boat is sinking and you have not...

Councilman Friend: Well, let me ask (*Inaudible*).

Councilman McGinn: And again, I just want to say your timing is suspect.

Councilman Friend: Yeah, well let me say this. That...

Councilman McGinn: We were not sinking before you were (*Inaudible*)...

Councilman Friend: Yes we were sinking that before that because...

Councilman McGinn: Why didn't we cut more John?

Councilman Friend: I'm just telling you that last year I wanted to cut 12 million dollars out of this thing. I didn't get much support.

Councilman McGinn: You had mine.

Councilman Friend: Yeah, had yours. Well I think if I recall, you wanted...

Councilman McGinn: You said it wasn't needed.

Councilman Friend: Is it still used...is your stand still that you want to take away the Homestead Credit? You told me that last...last Council meeting?

Councilman McGinn: If it comes to the situation...if what you're saying, we are so devastated and we are so broke...then we should discuss limiting things such as Homestead Credit.

But John, I just want to say, and again, I don't want to get angry; I don't want to get personal but you have not cut this budget. I have been ready, willing, and able to follow your suggestions to cut more than we actually did. We're in charge of red-lining the budget and we didn't do it and now we're yelling wolf. You know you say (*Inaudible*) and I've got to say that your timing makes it suspect because we were not in this situation when I was willing and able to reduce the budget until you became the finance chairperson for the person who's running against the current mayor.

Councilman Friend: What...now what...let me say this, okay, let me say...

Councilman McGinn: You have...

President Adams: I don't think it's quite that simplistic.

Councilman Friend: It's not quite that simplistic.

President Adams: Time out, time out gentlemen.

Councilman McGinn: Then I'll withdraw that. Let's...we'll discuss it further then.

Councilman Friend: Yeah.

President Adams: Dan, that's not quite it. We tried as hard as we could to cut as much as we could. We were told that services were going to be abrogated and...

Councilman McGinn: I understand.

President Adams:...we went to the last moment before October 31 knowing that if we didn't pass that budget, the City was going to lose two million dollars if we reverted back to the 2014 budget.

City Controller Lloyd: It'd be more than that.

Speaking Simultaneously

Councilman McGinn: But I'm willing to make more cuts. *(Inaudible)*

Speaking Simultaneously

President Adams: And we were...we tried very hard to cut more out.

Councilman McGinn: Mr. President, I have been willing to make more cuts in the budget.

Speaking Simultaneously

President Adams: I think that's disingenuous to say that we're...now that we have an opponent for the mayor that this is all coming up. No, we were in the dogfight last year and a lot of people didn't want to have cuts. We suggested a lot of things and we were told the services would be abro...would be somehow the thing and you know, it's just not that simple

Speaking Simultaneously

Councilman McGinn: I have been willing to make more cuts.

City Controller Lloyd: Just to make a point.

Councilman McGinn: I agree with you. Nothing is that simple.

City Controller Lloyd: The River...

Councilman McGinn: I've been willing to make more cuts and I've told that we're not going to do it this year. We're...and that tells me that they're not needed at this particular point in time.

City Controller Lloyd: I mean these funds go up and down. Now the Riverboat, as of 12/31/14, is higher than it was in 2011.

President Adams: But it was proposed to spend all of it last year.

Councilman Friend: Yes.

President Adams: The initial budget was to spend every dime and we had to claw about, whatever it was, we had to claw out that Roberts Park bit to even get any kind of leeway.

Councilman O'Daniel: The initial budget...I think the initial budget was to spend over 14 million of Riverboat...

Councilman Friend: Yeah, two more mill.

Councilman O'Daniel:...and it got back to about 11. It was...

Councilman Friend: Two more million, yeah.

President Adams: And we were also told that we could take the political hit by denying this Roberts Park too.

City Controller Lloyd: Well and there's...you know there's projects proposed and items in that budget that end up not being fruition or they get pushed off multiple years but the cash balance, 14 million, is con...been consistent pretty much throughout the Administration for three years.

Councilman Friend: Let...let me ask...can I direct this to Allen? Allen, which...

Councilwoman Brinkerhoff-Riley: Wait. I want to ask Russ a question...

Councilman Friend: Go ahead.

Councilwoman Brinkerhoff-Riley:...before you switch over to Allen.

Councilman Friend: Go ahead.

Councilwoman Brinkerhoff-Riley: We'll get back to the 2.5. I mean essentially the way I understand this is on an annual basis the Utility pays us for their property. They don't pay property taxes, they pay payments in lieu of taxes and in 2014 the Utility paid

us, prior to just this transfer in December, but the amount for 2014 was about three million dollars.

City Controller Lloyd: Right.

Councilwoman Brinkerhoff-Riley: And they paid us that in two payments, I guess, around the times of our normal property tax infusions and so our '14 budget included expected revenue from the Utility of about three million. Is that correct?

City Controller Lloyd: Yes.

Councilwoman Brinkerhoff-Riley: Okay, and so we developed our 2015 budget, the 2015 budget also expected revenue from the Utility in that same neighborhood of three million dollars. That's approximately three million dollars in...in...on the revenue side.

City Controller Lloyd: Right, I mean the Water and Sewer are two separate things so the Sewer was 2.4 and the Water is a million-something.

Councilwoman Brinkerhoff-Riley: Okay, so somewhere in the neighborhood of three million is what we expected to receive in '15 and our budget that we developed on the City/Civil side, our operating budget, included those revenue projections. Correct?

City Controller Lloyd: For 2015?

Councilwoman Brinkerhoff-Riley: That's correct.

City Controller Lloyd: Yes.

Councilwoman Brinkerhoff-Riley: Okay, and so because...and Dan, I'm sorry but part of the problem that we've had since I came into office is that the projected revenue is always significantly higher than what we collect. Nobody's ever passed a budget here that was less than what we were told, by this administration, that we were going to collect. I mean you project the revenue. We pass a budget that right up to the edge of that and then '13 and '14, those revenues have been significantly lower to the tune of millions of dollars, okay, and that's just the truth. I've always...and I've only voted for two...I voted for one budget but the reality is that I rely on you to tell me what you expect that revenue to be and what I was always told is that there does need to be a gap and gap's about 10% between what you project in revenue and what you spend. That 10% gap has been lacking in these budgets and so as we come to the end of 2014 you send an invoice the Water & Sewer that says, "Give us an advance on our '15 money because we've got to have it in '14 just to end the year positive", and that transfer, that invoice was \$2,473,000; check written. Looks like you cashed the check on December 29

is when it goes into our bank and it...so...and so this money that we've projected and based a budget on for 2015 has now been spent in '14, just to make us end on a positive note and so my question is...we already knew '15 was going to be a deficit spending year. All of that fighting that we did at the end of '14 was to try and get off of the point of losing six million...of overspending to the tune of about six million and by you grabbing that '15 money and putting it into '14, we're kind of back where we started. What are you going to do to shore up that revenue? And I don't necessarily want to hear about the half-million dollar in increased revenue of cable because that number's been thrown out now for three months to cover every gap that we've talked about.

You know, where's the revenue that's going to cover that transfer that deprives our '15 budget?

City Controller Lloyd: Let me point out, not all revenue is over-projected. Mainly what you're talking about there is the property tax?

Councilwoman Brinkerhoff-Riley: That's true.

City Controller Lloyd: But last year the METS revenues came in higher due to federal and state grants that METS applied for to the tune of about \$300,000.

Councilwoman Brinkerhoff-Riley: But we can't use that in our budget. Those federal funds have to be spent in their budget.

City Controller Lloyd: Right.

Councilwoman Brinkerhoff-Riley: So that doesn't help us.

City Controller Lloyd: But that's...METS is in the General Fund so that's part of it.

Councilwoman Brinkerhoff-Riley: Well yes but it's not part of our operating budget in that we can tap into those federal funds to pave roads. I mean that METS budget goes to METS.

City Controller Lloyd: Right, it helps cover the METS operating deficit.

So there's thing like that. What we're just...what we're going to do is, you know, we're getting ready to receive our property taxes; we're just going to determine what spending will support the current revenue budget and we're looking at things like, you know, the City health insurance plan. There's got to be a way to try to possibly make some changes there but, I mean, we've got *(Inaudible)*...

Councilwoman Brinkerhoff-Riley: It looks to me like you're in a lay-off.

Councilwoman Robinson: *(Off Mic)* That the way it sounds; lay-off.

Councilwoman Brinkerhoff-Riley: It looks to me like you're in a lay-off because all of the jobs posting this year, with very few exceptions, have not been filled. I mean if you go to the City's website, there are a ton of open positions that are not being filled and when I met with you, one of the things that you said was that basically this sort of under the radar hiring freeze is going on and I think that affects services in terms of what people expect when they come into the Civic Center or we're doing work for them out in the City so it's also not possible to sustain because as department positions aren't filled it creates a lot of problems for the people that that work is being pushed off onto.

City Controller Lloyd: I mean, as far as I know, positions are being filled as they become available. Last year...

Councilwoman Brinkerhoff-Riley: Well you should check out the website. I know...I think that those aren't high...those requirements for those jobs aren't...they're not technical, they're not heavy education levels but many of them have pended for months.

City Controller Lloyd: Okay. Last year there was a lot...there was a bunch of weather related overtime that we feel like won't be as much this year. I mean so there'll be some savings there.

Councilwoman Brinkerhoff-Riley: Well Allen'll tell you that we're getting water main breaks in the summer now. I mean these are...the system...because, I mean, I was there. I mean we approved a Water & Sewer budget that had over 1.5 million dollars in projected overtime for 2015. I mean we've built in a heck of lot of money on emergencies of water main breaks. I mean I don't know if they're happening as frequently as daily but, I mean, I see a water main break every couple of days, or some kind of water break, that there's water on the street so I don't know that that's really plausible that...especially the number. How many did we have last summer? Like 400 over the summer...couple hundred? Well, so you know our water breaks aren't necessarily related to the cold.

So...and I don't mean to beat up on you but I'm...it's really frustrating to see that revenue drop with that transfer back in to pay for '14 bills and we don't really have a solution and you know, and here it is April and we're going to run out of money before the end of the year.

City Controller Lloyd: Well it's...we're not going to run out of money.

Councilwoman Brinkerhoff-Riley: Not if you're robbing other funds. No, I get that but I meant in terms of our General Fund and what it's supposed to pay, that fund will run out of money.

City Controller Lloyd: Well let me just state: I mean it's not going to run out of money and the City is not looking at lay-offs but we're looking at ways to trim the budget to better align it with the revenues.

Councilwoman Brinkerhoff-Riley: I know you've told us that since February. When is that going to become...

City Controller Lloyd: I gave you that letter from Umbaugh that kind of outlined the...it was this letter.

Councilman O'Daniel: *(Off Mic)* That was *(Inaudible)* for October.

City Controller Lloyd: Yes and we've got some additional information from them. We just have to lay it out and some of it is looking at the departments that require user fees: some of the parks, the golf course, the zoo, METS, and just determine, "Are those appropriate for a city our size and for what the cost of the services are?"

Councilwoman Brinkerhoff-Riley: So you want to raise fees?

City Controller Lloyd: Well I think that's one option. I mean certainly. Especially when you see balances drop over several years.

Councilwoman Robinson: So are you looking at raising the fees for METS?

City Controller Lloyd: I don't know the answer to that and that's something they do analysis with the federal, FTA, and things like that. It's not something where the Controller just walks in and says, "We need to raise our fees". I mean there's a lot of study that needs to be done with that.

Councilwoman Robinson: So poor people have to suffer and have increased fees riding the bus because we're over spending?

City Controller Lloyd: Well we're not overspending but, you know, METS does run a deficit so any ways we can use to close that would helpful but that's...I mean that's just one department in this list of department.

You know the health insurance, as the consultant indicated, has a big effect on this and any changes we can make to address some of those...that cost going up, would have a big effect throughout the budget.

Councilman O'Daniel: But how do you do that? That's just going to be what? More premiums?

Councilwoman Brinkerhoff-Riley: Well what about Central States?

Councilman O'Daniel: So all the workers will ultimately pay higher premiums.

City Controller Lloyd: No, I think there are planned design changes. The City...

Councilwoman Brinkerhoff-Riley: Less benefits.

City Controller Lloyd: Because of the Affordable Care Act, the City, and we've talked about it,...

Councilman O'Daniel: Right.

City Controller Lloyd:...we froze the plan for several years. That's coming, I think, 2016.

Councilman O'Daniel: If not, we end up paying a huge tax burden.

City Controller Lloyd: Right, so now's the time to really look at what changes we make there to address some of the...

Councilman O'Daniel: But isn't that something that's going to take at least a year? It's not going to happen in 2015.

City Controller Lloyd: There may be some changes we can do but it'll probably take a year.

Councilman O'Daniel: And most of those benefits are contractual anyway with the police, fire, and Teamsters.

City Controller Lloyd: Right, a lot of 'em are.

Councilwoman Brinkerhoff-Riley: Well there's less than 200 non-bargaining unit employees. The average cost for a Teamster for 2014 was a little over \$13,000 while our cost for non-bargaining unit was well over 20. I mean has there been thought...I mean Central States has offered us before to take our non-bargaining unit employees as it

offered to take the County's non-bargaining unit employees. And \$13,000 on an annual basis is a heck of good price.

City Controller Lloyd: I think that's gone up but I'd have to talk to George Fithian. I know they've have conversations with Teamsters about facets of that.

Councilwoman Brinkerhoff-Riley: But otherwise, I guess this list...you're looking at the zoo, golf, parking garages, things at Parks and Recreation; those are all potentially...burial fees, those kind of things that you're looking at for increasing revenue?

City Controller Lloyd: Yeah and I mean...and there are some funds that run surpluses but the majority of them do not and so any of the ones that don't, you have to look at that and is there opportunity. And some of 'em you haven't had, you know, any kind of fee increase in several years. There may be...and the time may be right.

President Adams: Okay.

Councilman Friend: Can I...Allen I need to ask...it's more of a procedural thing. Exactly...can you walk me through this because you know I was in your office a week ago Tuesday; we went through this when I was trying to get the documentation. Exactly what meeting was it that the consent was approved?

W & S Utility Director Mounts: It would have been the January 20...the Consent Agenda for the payment of the PILOT would have been the January 27th of 2015.

Councilman Friend: 27, so it should...it would have shown up in the...in that particular...

W & S Utility Director Mounts: It was part of the document that the board signed off on under the Consent Agenda.

Councilman Friend: And we would have had the pay...and you would have had listings of the payables and the Appendix A and all that stuff. Okay, do you have a copy of that with you?

W & S Utility Director Mounts: I do.

Councilman Friend: Yeah, please pass it out.

W & S Utility Director Mounts: Do you have your copy John?

Councilman Friend: Ah, let's see. Where is it? I may have...got a bunch of stuff here.

Unidentified Speaker: *(Off Mic)* You can have mine. Appendix A where it's *(Inaudible)*.

W & S Utility Director Mounts: Let me make sure that's the right one.

Councilman Friend: See 'em in court.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* That's the Consent Agenda.

Councilman Friend: It's 27th, okay.

Councilman O'Daniel: *(Off Mic)* Is that your copy, Allen?

W & S Utility Director Mounts: One of 'em is my...yes.

Councilman McGinn: *(Off Mic)* *(Inaudible)*

W & S Utility Director Mounts: Sure, it's a three-page document. The first couple pages are a computer printout of the journal entries where it shows that it's been paid. It was paid on December 29, and then the last document is a signatory page that the board members sign. That's a consistent process we follow every board meeting.

Councilwoman Brinkerhoff-Riley: Well if I were a member of the public and I wanted to and I'd attended your January 27th meeting, reviewed your agenda, reviewed your minutes, reviewed Appendix A, how would I have seen...

W & S Utility Director Mounts: You would not have seen it because it's not part of Appendix A.

Councilwoman Brinkerhoff-Riley: No, it's not.

W & S Utility Director Mounts: But it would have consistent with the way that the Utility has processed these payments. There're two actual separate documents. One is items that are under contract to be paid where we need board approval for that. The other one is an accounts payable voucher or a...they've got the terminology; it's on your report there.

Councilwoman Brinkerhoff-Riley: Yeah, no I can see it here where it's signed.

W & S Utility Director Mounts: So the Paid Warranty Report, for example Stephanie, last year, I have copies of it, I go back more years. The Payments In Lieu Of Taxes were paid and then reported to the board in a separate document later on, whenever that was produced for them.

Councilwoman Brinkerhoff-Riley: No, no. And I'm not...I just...it's...

W & S Utility Director Mounts: But the public would not have seen that. It would have been part of the board documents.

Councilman O'Daniel: But Allen, what's...that would also have been part of the approved budget from the previous year, correct?

W & S Utility Director Mounts: It would have been part of the approved budget except the Utility operates on an accrual basis, not a cash basis so the accounting treatment on this would have been under an accrual basis.

Councilman O'Daniel: But our budget though shows that.

W & S Utility Director Mounts: It does.

Councilman O'Daniel: And that's what we approve.

W & S Utility Director Mounts: It is.

Councilman Friend: Well Allen, I need to ask you something here. What I got in my hand here is exactly what Vivian sent to me back in...in...I received this I believe back in February in my email box.

W & S Utility Director Mounts: I don't know what it is John.

Councilman Friend: Well it's a copy of the minutes.

W & S Utility Director Mounts: Okay.

Councilman Friend: It doesn't agree with what you gave me here. Now what I've got here...the reason why I say that because the bottom down here, you get down here to the bottom, okay, Page 3, where in the next meeting will be on February 3 and you down here next meeting will be on February 3. Two documents don't match.

W & S Utility Director Mounts: I'm not sure which documents you're looking at, John.

Councilman Friend: Well come here; I'll show 'em to you.

W & S Utility Director Mounts: The board met on I think January 6 and then as a result of the city residency requirement, we did not meet on the 20th until the Mayor was able to appoint new board members. The next board meeting was on January 27.

Councilman Friend: Well this is what Vivian gave me.

W & S Utility Director Mounts: I...not to *(Inaudible)*...

Speaking Simultaneously

Councilman Friend: I mean I got...I got this months ago.

W & S Utility Director Mounts: What's your...what's your question John?

Councilman Friend: What I'm saying they don't agree. Okay, there's what you handed out and here's what Vivian sent me. And you notice I know it's the end because next meeting will be at...

W & S Utility Director Mounts: *(Off Mic)* It was.

Councilman Friend: Yeah, yeah.

W & S Utility Director Mounts: *(Off Mic)* The next meeting was February 3.

Councilman Friend: Why...

W & S Utility Director Mounts: *(Off Mic)* This is for a meeting on January 27. This is the minutes; this is the agenda; this is the minutes and both of them...the next meeting would have been regularly scheduled for February 3.

Councilman Friend: Well I guess what I'm puzzled about is when I look back here...

W & S Utility Director Mounts: Again, those are two different documents John. John, one is the minutes and the other is the agenda.

City Controller Lloyd: *(Off Mic)* She sends those out at different times probably.

W & S Utility Director Mounts: Yeah, she does.

Councilman Friend: So really, I guess really we will never...the way this thing goes, how would anybody ever really know what goes on in there?

W & S Utility Director Mounts: Well John, you and Conor are both invited to attend as a liaison.

Councilman Friend: I know.

W & S Utility Director Mounts: You received the agendas for each of those items. You're welcome to attend anytime.

Councilman Friend: Sure, I get it, I get it.

W & S Utility Director Mounts: And Conor's been there a couple times here recently.

Councilman Friend: Sure.

W & S Utility Director Mounts: I appreciate your showing up.

Councilman Friend: I go along with that. But anyway, I got to ask one more question. What is the status of the investigation?

W & S Utility Director Mounts: There is no investigation.

Councilman Friend: There's no investigation? What I got in my hand here that there was a document filed by the State Board of Accounts on February 20...the 13th of this year that the Utility Department is missing \$400,000 in cash. It's setting right here in my hands. This is a document came off the...right here.

W & S Utility Director Mounts: John, you know that is the audit in which we got a clean opinion on and that was a finding in the audit. It's not an investigation. That was a conclusion of the audit.

Speaking Simultaneously

Councilman Friend: Well I didn't say it was an investigation. I just said...I said had there one...

W & S Utility Director Mounts: You just...you did too John.

Laughter

Councilman Friend: I said...no, I said, "What is the stat...". I assumed you would have reported it.

W & S Utility Director Mounts: Well your characterization of an investigation is incorrect. All I'm saying is that was the audit report and that was a finding in the audit report so there was disclosure.

Councilman Friend: Well it says we're missing \$400,000.

President Adams: Did you find it?

W & S Utility Director Mounts: It was corrected. The audit was for 2013 so it was corrected in 2014.

President Adams: I will just...then we got to wind this up somewhere along here but long before there was an opponent to our present City Mayor, we went through the *Perils of Pauline* last fall trying very, very hard to get as much a budget as we could because it was obvious to those that studied it, and some of us didn't recommend any cuts at all, but it was obvious to those that really tried hard that we were spending too much...wait a minute...too much money two years in a row. It finally came out. The first year it was a little hard to know because we didn't even know...we didn't have any reconciliations and we didn't find out that problem until August of that year.

So we got this little, you know, this little buck and wing we're doing here, you know, a little thing and last year we were characterized as the doom and gloom guys because we were worried about the fact that we're running out of money. Yeah, we have great batteries here but the batteries are getting light and the question is, I guess, now we have this little...this little deal where we whipped out 2.5 of this year's budget out of the Utility to make things look okay January 1, to the tune of \$300,000, which is not very much, which is a hiccup in this particular thing, and so I guess, once again, I'm going to read tomorrow morning that we're the gloom and doom guys. Well you know what? I'm going take that hit. I'm going...I'll wear that because I'm worried and you are too, I know you are.

Councilman McGinn: I am. We...I mean I'm not...I don't think I'm as worried as some people are...

President Adams: But I don't think it has anything to do...

Councilman McGinn: I think we're doing a nice...

President Adams: I personally don't...personally, I don't think it's anything to do whether the Mayor has an opponent or not.

Councilman McGinn: I just...I...I...

President Adams: I personally...

Councilman McGinn: Let's call it my personal feeling that...because I have always been willing to reduce this budget by more than what is finally determined and decided and voted up; every single year because we were...

President Adams: And that's known to throw back...

Councilman McGinn: I *(Inaudible)*.

President Adams: We can't do anymore because services will be so attenuated that it can't be done.

Councilman McGinn: Well we'll remain good colleagues and we'll discuss this over coffee sometime.

President Adams: Sure.

Councilman McGinn: All right.

Councilman Friend: Can I have one more...

Speaking Simultaneously

President Adams: Any other comments...

Speaking Simultaneously

Councilman Friend: Just one more questions.

President Adams: John.

Councilman Friend: One question I need to ask Allen just to get it squared up. The meeting that you guys met on the 29th of December, correct? You had that meeting on the 29th?

W & S Utility Director Mounts: John, there was no meeting on December 29. There was no board meeting.

Councilman Friend: Okay. No meeting, okay. Good deal.

President Adams: Okay, do you want to discuss anything else tonight about anything?

Councilman O'Daniel: I'm sure there will be more conversations about it but I do appreciate your explanation and giving us your time to try understand that and obviously, there is a proper procedure and we think maybe it was...maybe moved around a little bit or played a little fast and loose with, you know, back in December and maybe for different reasons than we know from our...but I still remain committed to a process whereby our spending and our revenues start to come together over a period of time and...and, you know, I hope that we're able to do that this budget season.

City Controller Lloyd: I mean we're all committed to that and that's one of our challenges we'll have for this year's budget. Thank you.

President Adams: Okay, Committee Reports.

COMMITTEE MEETING SCHEDULE FOR APRIL 27, 2015

FINANCE COMMITTEE

Re: **Resolution C-2015-4**

Time: 5:00 p.m.

Notify: Ted Ziemer

CHAIRMAN CONOR O'DANIEL

Approving the Issuance of Refunding Bonds
and Other Matters in Connection Therewith

A.S.D. COMMITTEE

Re: **Ordinance G-2015-12**

Time: 5:05 p.m.

Notify: Scott Danks

CHAIRMAN STEPHANIE BRINKERHOFF-RILEY

Amending Chapter 6.05.040 of the Evansville
Municipal Code (Live Chicken Sales)

Councilwoman Brinkerhoff-Riley: That's the live chicken sales where retailers are required to sell no less than 25 but residents can't own more six; try and bring that into alignment.

President Adams: Can the neighbors object to somebody having chickens next door to them?

Councilwoman Brinkerhoff-Riley: My neighbor does actually.

President Adams: Does that rooster wake you up every day?

Councilwoman Brinkerhoff-Riley: No, but the ordinance reads...

President Adams: *(Inaudible)* the smell?

Councilwoman Brinkerhoff-Riley: I think the ordinance reads that you can have chickens, no more than six adults, as long as it's within...not within 50 feet of another residential structure...

President Adams: Okay.

Councilwoman Brinkerhoff-Riley:...and more and more people are but our retailers can't sell you less than 25 chicks and so...

Council Attorney Danks: *(Off Mic)* They have to sell at least 24 but you can only own six. The only way they can fly is if you...

Speaking Simultaneously

Councilman Lindsey: That's not good. That's not good for the other 18. *(Inaudible)* the other 18 are kind of noisy.

President Adams: Okay, alright. Here we go; Public Works, Chairman Lindsey.

Councilman Lindsey: Okay, that's kind of hard to top the chicken ordinance but I'll do the best I can.

PUBLIC WORKS COMMITTEERe: **Resolution C-2015-5**

Time: 5:10 p.m.

Notify: Scott Danks

Re: **Resolution C-2015-7**

Time: 5:15 p.m.

Notify: Scott Danks

Re: **Ordinance G-2015-11**

Time: 5:20 p.m.

Notify: Ron Beane

Re: **Ordinance G-2015-10**

Time: 5:25 p.m.

Notify: Maria Bulkley,
Kahn, Dees, Donovan & KahnRe: **Ordinance G-2015-8**

Time: 5:25 p.m.

Notify: Bret Sermersheim,
Morley & Associates**CHAIRMAN AL LINDSEY**Renaming a Certain Section of a Street/Roadway
"Bob Griese Pass"Renaming a Certain Section of a Street/Roadway
"Dr. W. R. Brown Sr. Way"Amending Chapter 15.15 of the Code of
Ordinances (Fencing and Retaining Walls
in Drainage Easements)Vacate Certain Public Ways or Public Places
within the City of Evansville, Indiana Commonly
Known as a Portion of Water Road between
Lot Eighteen (18) and Lot Twelve (12) in Embree's
Subdivision

Vacate Two (2) 12' Alleys in Lamasco

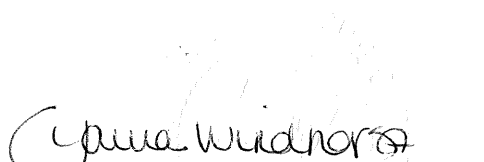

COMMITTEE MEETING SCHEDULE FOR May 11, 2015Re: **Ordinance G-2015-6**

Time: 5:25 p.m.

Notify: Ted Ziemer

Amending Chapter 2.10 (Required Filing of
Fiscal Impact Statement) of the Evansville
Municipal Code**ADJOURNMENT****President Adams:** Is there a motion for adjournment?**Councilman O'Daniel:** So moved.**Councilwoman Mosby:** Second.**President Adams:** All those in favor? I doubt if there are any negatives.

Meeting adjourned at 6:45 p.m.


Laura Windhorst, City Clerk
H. Dan Adams, President